

JUNE 14, 2005

**CITY OF GUNNISON COUNCIL
REGULAR SESSION MINUTES**

7:00 P.M.

Following a Work Session meeting, the Regular Session was called to order at 7:00 P.M., by Mayor Ferguson with Councilmembers Medina, Harriman, Miller and Nesbitt present along with City Attorney Landwehr, City Manager Collins, City Clerk Davidson, Finance Director Hanson, Community Development Director Westbay, Public Works Director Coleman, Operations Manager Morgan, Planning Technician Ruggera, many interested citizens and the press.

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PUBLIC HEARING

7:00 P.M.

Mayor Ferguson opened the Public Hearing at 7:00 P.M. and explained the Public Hearing is being held to receive public input on the application from Gunnison County for Rezoning from R-2 to R-2M of Lot 22, Meadows Phase 2-R, Gunnison, CO, more commonly known as Rock Creek Village, Meadows Phase 2. Mayor Ferguson asked if there was proof of publication and City Clerk Davidson stated yes.

Mayor Ferguson asked for Planning & Zoning Commission and Staff input. Community Development Director Westbay reviewed the recommendation from the Planning Commission. The reason for the application is to allow for the construction of triplex units that are not allowed in the current PUD R-2 Zone. The total density will not exceed the underlying zoning, the units will be deed restricted and there will be open space dedicated for public use. The Planning Commission and staff recommendation is to allow the zoning change and subsequent zoning map amendment.

The Mayor asked for the letter, from Fred and Valerie Schmalz, in opposition to the proposed zoning change, be entered into the official record. He then asked for any additional letters. There were none.

Mayor Ferguson then called for public input. T.L. Livermore of Gunnison discussed the concept of triplex units and the need for more affordable housing in Gunnison. There is a need for starter homes and these would help that issue. The proposed street widths are similar to the Palisades and Sunspot Subdivisions, with narrower streets. We need to look at compromises in the housing market. Council thanked Mr. Livermore.

The Mayor called for additional testimony. Hearing none, the Public Hearing was closed at 7:07 P.M.

Consideration of Minutes:

Regular Session Minutes of May 24, 2004.

Councilmember Nesbitt moved and Councilmember Miller seconded the motion to approve the Regular Session Minutes of May 24, 2004, as submitted.

Roll call vote, yes: Medina, Harriman, Ferguson, Miller, Nesbitt. So carried.

Roll call vote, no: None.

Pre-Scheduled Citizens:

A. Presentation on Small Business Development Center – Director Jim Kidd.

Mr. Kidd addressed Council and explained he is asking for financial assistance. In the past, Delta Vo-Tech has been the center's host, but due to budget cuts, they will be unable to assist. The SBDC needs to raise \$40,000 to receive matching grant funds from the federal Small Business Administration. The center assists business owners with start-up and existing businesses. They conduct "The Leading Edge" business classes. Mr. Kidd submitted a letter to Council from the Gunnison Valley Economic Development Corporation asking Council to support the request. Cathie Elliott, local realtor and College professor, was present and asked Council to support the request. She has worked with the SBDC in the past and thinks it's a worthwhile program. Mr. Kidd stated this is a one time request. At this time he needs a letter of intent to support the program and payment by the end of the year if that is what Council decides. Discussion ensued on the results of funding requests to the other communities.

Councilor Nesbitt moved and Councilor Harriman seconded the motion to fund the Small Business Development Center in the amount of \$12,500 with a contract for service that requires the SBDC to be present in Gunnison at least 3 times per month. Discussion ensued and Councilor Nesbitt withdrew the motion and Councilor Harriman withdrew the second.

Councilor Nesbitt moved and Councilor Medina seconded the motion to fund the Small Business Development Center in the amount of \$5,000 as a contract for service with the condition the SBDC provide service in Gunnison at least 3 times per month and a follow-up report will be given to the City.

Roll call vote, yes: Harriman, Ferguson, Nesbitt, Medina. Motion carried.
Roll call vote, no: Miller.

Unfinished Business: None.

New Business:

Action on Challenge Grant Application from Western Heritage Days in the Amount of \$5,000. This item was discussed at the Work Session on June 7, 2005. Mr. Cliff Goss addressed Council and updated Council on the event. They hope to sell 1200 tickets this year. He reviewed the anticipated revenues and the potential sales tax revenues for the City. Singing in the West will not be involved this year. They will not be giving a gift prize this year. Councilor Nesbitt asked Mr. Goss if he was aware of the five conditions stipulated by the Challenge Grant Committee. Mr. Goss stated he was aware of them.

Councilor Miller moved and Councilor Medina seconded the motion to accept the recommendation from the Challenge Grant Committee and to fund \$3,500 for the event, with \$1,500 from Challenge Grant funds for the storytelling portion of the event and \$2,000 from the Additional Contracts for Service line item, and abiding by the following conditions: 1. Gunnison Country Western Heritage Days will use Challenge Grant funds only for the purchase of tents, tarps, and the printing and production of the event booklet; 2. Gunnison Country Western Heritage Days will display the City of Gunnison banner at the event; 3. The City's by-line will be displayed on all promotional material; 4. A financial report of the Gunnison Country Western Heritage Days shall be submitted to the Community Development Department within 30 days after the event; and 5. Gunnison Country Western Heritage Days must show the Gunnison Area Foundation or Cattleman's Days as their sponsor before funds are forwarded.

Roll call vote, yes: Ferguson, Miller, Nesbitt, Medina, Harriman. So carried.
Roll call vote, no: None.

Action on Challenge Grant Application from Cowboy Jam, Inc. in the Amount of \$5,000. This item was discussed at the Council Work Session on June 7, 2005. Jake Jacobs came forward and reviewed the following: There will be promotion all over the Western Slope; He has been working with the Tourism Association on marketing the event; They are expecting 800 people; Their goal this year is to get people to the event and the next year possibly move it to the Labor Day weekend; and he will not be back next year for funding. Discussion ensued.

Councilor Miller moved and Councilor Harriman seconded the motion to accept the Challenge Grant Committee's recommendation and award \$3,000 to the Cowboy Jam Music Festival to be held on July 8 and 9, 2005, with the following conditions: 1. Cowboy Jam Music Festival will use Challenge Grant funds only for advertising with newspapers and radio; 2. Cowboy Jam Music Festival will display the City of Gunnison banner at the event; 3. The City's by-line will be displayed on all promotional material; 4. A financial report of the Cowboy Jam Music Festival is to be submitted to the Community Development Department within 30 days after the event; and 5. Cowboy Jam must show proof of a non-profit corporation or show the Gunnison Area Foundation as their sponsor before funds are forwarded.

Roll call vote, yes: Miller, Nesbitt, Medina, Harriman, Ferguson. So carried.
Roll call vote, no: None.

Action on License Agreement Application from Lauren Osincup for Fence on City Right-of-Way at 418 S. 12th Street. This item was discussed at the Council Work Session on June 7, 2005. Ms. Osincup was present.

Councilor Nesbitt moved and Councilor Medina seconded the motion that the License Agreement application from Lauren Osincup for the construction of a fence on City right-of-way be approved with the following conditions: 1. The applicant shall be responsible for the maintenance of the fence to include any repairs that may occur as the result of street maintenance operations; 2. The City maintains the right to remove the fence at any time; and 3. The license agreement shall not be effective until proof of adequate insurance coverage, as required by paragraph 4 of the agreement is provided to the Community Development Director.

Roll call vote, yes: Nesbitt, Medina, Harriman, Ferguson, Miller. So carried.
Roll call vote, no: None.

Action on License Agreement Application from Gunnison Center for the Arts for a Fence on City Right-of-Way at 102 S. Main Street. This item was discussed at the Council Work Session on June 7, 2005. Mr. Hap Channel was present to answer any questions.

Councilor Nesbitt moved and Councilor Harriman seconded the motion that the License Agreement application from the Gunnison Center for the Arts for a fence and landscaping on City right-of-way be approved with the following conditions: 1. The applicant shall be responsible for the continued maintenance of the fence and landscaping to include any repairs that may occur as the result of street maintenance operations; 2. The City maintains the right to remove the fence and landscaping at any time; and 3. The license agreement shall not be effective until proof of adequate insurance coverage, as required by paragraph 4 of the agreement is provided to the Community Development Director, and furthermore those improvements within the right-of-way shall not be established until the proof of adequate insurance has been determined by the Community Development Department.

Roll call vote, yes: Medina, Harriman, Ferguson, Miller, Nesbitt. So carried.
Roll call vote, no: None.

Action on Multi-Day Special Events Permit for Farmers' Market at IOOF Park.
This item was discussed at the Work Session prior to this Regular Session Meeting.

Councilor Miller moved and Councilor Nesbitt seconded the motion to approve the multi-day special events permit application from the Gunnison Valley Community Alliance for the Gunnison Valley Farmers' Market to be held on Saturdays from July 9th through October 8th, and authorize the Mayor to sign said application.

Roll call vote, yes: Harriman, Ferguson, Miller, Nesbitt, Medina. So carried.
Roll call vote, no: None.

Action on Multi-Day Special Events Permit for Gene Taylor's Sidewalk Sale.
This item was discussed at the Work Session prior to this Regular Session Meeting.

Councilor Miller moved and Councilor Nesbitt seconded the motion to approve the multi-day special events permit application from Gene Taylor's Sporting Goods for their sidewalk sale to be held June 29, through July 4, 2005, and to authorize the Mayor to sign said application.

Roll call vote, yes: Ferguson, Miller, Nesbitt, Medina, Harriman. So carried.
Roll call vote, no: None.

Action on Award of Slurry Seal Bid in an Amount Not to Exceed \$80,000 to Intermountain Pavement Preservation. This item was discussed at the Council Work Session meeting on June 7, 2005. Public Works Director Coleman was present to answer questions. A short discussion ensued.

Councilor Nesbitt moved and Councilor Miller seconded the motion to accept Staff's recommendation and award the Slurry Seal Contract to Intermountain Preservation of Englewood, Colorado, in the amount not to exceed \$80,000.

Roll call vote, yes: Miller, Nesbitt, Medina, Harriman, Ferguson. So carried.
Roll call vote, no: None.

Request for Deviation from Construction Standards for Curb Specifications at Meadows Village Subdivision. This item was discussed and the proposed design specification for the roll back curb was presented to Council at the May 17, 2005, Council Work Session. Public Works Director Coleman again explained this roll back curb design will be treated as a deviation requiring approval in the City's Construction Design Standards.

Councilor Miller moved and Councilor Medina seconded the motion that Council accept the Staff recommendation for approval of the deviation request for the Meadows Village Subdivision to utilize the new standard design for roll back curb.

Roll call vote, yes: Nesbitt, Medina, Harriman, Ferguson, Miller. So carried.
Roll call vote, no: None.

Meadows Village Subdivision Final Plat. Community Development Director Westbay informed Council the Planning & Zoning Commission and Staff have reviewed the application and there are no outstanding issues associated with the final subdivision application. The covenants are complete, the avigation easement was completed today and will be recorded with the final plat and the Subdivision Improvement Agreement is in-place and approved by the City Engineer. The Commission and Staff recommend approval of the final plat with the eight conditions listed in the Planning Commission recommendation.

Councilor Nesbitt moved and Councilor Miller seconded the motion to approve the Meadows Village Final Plat with the eight Findings of Fact and Conditions as listed in the Meadows Village Final Plat Recommendation from the Planning and Zoning Commission dated May 25, 2005, and included in the official Meadows Village Subdivision records of the City of Gunnison.

Roll call vote, yes: Medina, Harriman, Ferguson, Miller, Nesbitt. So carried.
Roll call vote, no: None.

Set Public Hearing for 7:00 P.M., July 12, 2005, for New Hotel & Restaurant Liquor License Application for Las Palmas, 138 W. Tomichi Avenue in Gunnison.

Councilor Nesbitt moved and Councilor Miller seconded the motion that the Public Hearing for the New Hotel & Restaurant Liquor License Application for Las Palmas, Rafael Cisneros, owner, 138. W. Tomichi Avenue, in Gunnison, be set for 7:00 P.M., July 12, 2005, in the City Council Chambers of City Hall, 201 W. Virginia Avenue in Gunnison.

Roll call vote, yes: Harriman, Ferguson, Miller, Nesbitt, Medina. So carried.
Roll call vote, no: None.

Ordinance and Resolutions:

Ordinance No. 8, Series 2005, Re: Amending the Underlying Planned Unit Development Zoning District from R-2 to R-2M of Lot 22, The Meadows Phase 2-R, and Amending the Official Zoning Map of the City of Gunnison, 1st Reading.

Councilor Miller introduced Ordinance No. 8, Series 2005, and it was read by title only by the Mayor.

Councilor Miller moved and Councilor Nesbitt seconded the motion that Ordinance No. 8, Series 2005, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON AMENDING THE UNDERLYING ZONING DISTRICT CLASSIFICATION OF A PARCEL OF LAND DESCRIBED AS LOT 22, THE MEADOWS PHASE 2-R, ACCORDING TO THE RECORDED PLAT THEREOF BEARING RECEPTION NO. 468719 OF THE RECORDS OF GUNNISON COUNTY, COLORADO, FROM R-2 PLANNED UNIT DEVELOPMENT DESIGNATION TO R-2M PLANNED UNIT DEVELOPMENT DESIGNATION, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF GUNNISON, COLORADO,** be introduced, read, passed and ordered published on first reading this 14th day of June, 2005.

Discussion ensued concerning the road widths within the development. Director Westbay explained they are private roads and this ordinance is for rezoning not approval of the site plan. That has not been submitted at this time.

Roll call vote, yes: Ferguson, Miller, Nesbitt, Medina, Harriman. So carried.
Roll call vote, no: None.

Resolution No. 20, Series 2005, Re: Accepting the City of Gunnison Construction Standards.

Councilor Nesbitt introduced Resolution No. 20, Series 2005, and it was read by title only by the Mayor.

Councilor Miller moved and Councilor Nesbitt seconded the motion that Resolution No. 20, Series 2005, **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, APPROVING AND ADOPTING THE CITY OF GUNNISON CONSTRUCTION STANDARDS WITH THE 2005 REVISIONS AS PREPARED BY THE CITY OF GUNNISON DEPARTMENT OF PUBLIC WORKS,** be introduced, read, passed and adopted this 14th day of June, 2005.

Roll call vote, yes: Miller, Nesbitt, Medina, Harriman, Ferguson. So carried.
Roll call vote, no: None.

Resolution No. 21, Series 2005, Re: Commending Judy Klinker for Her Service on the City of Gunnison Board of Zoning Adjustments and Appeals. Mrs. Klinker was not present at the meeting.

Councilor Miller introduced Resolution No 21, Series 2005, and it was read in its entirety by the Mayor.

Councilor Nesbitt moved and Councilor Harriman seconded the motion that Resolution No. 21, Series 2005, **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, COMMENDING JUDY KLINKER FOR HER SERVICE ON THE CITY OF GUNNISON ZONING BOARD OF ADJUSTMENT AND APPEALS,** be introduced, read, passed and adopted this 14th day of June, 2005.

Roll call vote, yes: Nesbitt, Medina, Harriman, Ferguson, Miller. So carried.
Roll call vote, no: None.

City Attorney: Nothing further to report.

City Manager: Mark Collins: 1. Asked Council if they are interested in a Resolution supporting State Ballot Referendum C or D or both. Council consensus was yes on both. 2. Information from the Council retreat is being compiled by Dr. Frank Bell and will be placed in your packets. Staff did a prioritization exercise this morning and those results will be prepared for Council as well. 3. The 2006 Budget process is underway. There will be a Capital Projects

meeting, a Fleet Replacement meeting and a Computer replacement meeting this month. City Manager Collins also complemented Council and their handling of this evening's agenda. It was a full and diverse agenda.

Acting City Manager/City Clerk: Gail Davidson: Reminded Council there is a Tourism Association meeting on Tuesday morning, June 21, in Almont. Councilor Nesbitt stated he will attend. Also, a potential date for a Council field tour of Gunnison was discussed. The Work Session on July 6th was decided upon. Staff will prepare a draft itinerary and will get that to Council for input next week.

Finance Director Wendy Hanson: Finance Department Report: Director Hanson gave her report that she was unable to give in May due to a family emergency. She discussed the following from the report: The Firemen's Pension Fund Actuarial Study; The Annual Audit will be presented on June 28th; and a budget preparation calendar is attached in their packets.

Non-Scheduled Citizens:

Butch Clark addressed Council. He discussed the County Water Policy developed in the 1990's. It will be forwarded to the municipalities for review. Several topics of interest are the Black Canyon water rights issues and the Federal reserve of water rights that may affect Gunnison.

General Discussion/Items for Work Session:

Councilor Medina: Will report on the RTA meeting at the next meeting.

Councilor Harriman: Reported on the Planning Commission Meeting. Diane Lothamer retains her position as Chair and Harvey Harriman continues to serve as Vice-Chair. They are addressing the Land Development Code and Master Plan Review. They would like to schedule a joint meeting with City Council to discuss these issues. She will be attending the Housing Authority meeting this Thursday.

Mayor Ferguson, Councilor Miller: Nothing further to report.

Councilor Nesbitt: Attended the Tourism Association (TA) meeting with Mayor Ferguson and City Manager Collins last week. He has now received financial information from the TA regarding their operation. Councilor Nesbitt reviewed the Special Events Survey results presented at that meeting. Also discussed: American Airlines will be back in December; All quad lifts will be open at CBMR on Thanksgiving; The Gunnison Airport and Vail Airport will be receiving airbus service next winter; Seatback stuffers containing CB/Gunnison information will be available on TED flights; The West Elk Loop brochure is being re-printed; and there was a discussion on an events coordinator position.

Adjournment: The meeting adjourned at 9:18 P.M.

Mayor

City Clerk